

Mar 06, 2025

SEAN F. MCVOY, CLERK

## 1 UNITED STATES DISTRICT COURT

## 2 EASTERN DISTRICT OF WASHINGTON

3 UNITED STATES OF AMERICA,

No. 1:24-CR-02068-MKD

4 Plaintiff,

5 v.  
6 NICHOLAS DANIEL MENDEZ,  
7 Defendant.ORDER GRANTING DEFENDANT'S  
MOTION TO EXPEDITE AND  
DENYING DEFENDANT'S MOTION  
TO MODIFY CONDITIONS OF  
RELEASE

ECF Nos. 24, 25

8 Before the Court is Defendant's Motion to Modify Conditions of Release

9 (ECF No. 24) and related Motion to Expedite (ECF No. 25). Defendant was

10 represented by Federal Defender Alex B. Hernandez III on the motions.

11 Defendant requests that the Court modify Special Condition No. 11 to  
12 impose a curfew instead of home detention. ECF No. 24. The United States  
13 Attorney's Office and the United States Probation/Pretrial Services Office have no  
14 objection to Defendant's request. *Id.*15 The United States' position is confusing. On October 23, 2024, the Court  
16 held a detention hearing, and the United States argued that detention was necessary  
17 due to Defendant being both a risk of nonappearance and a danger to the safety of  
18 the community. ECF No. 17. The United States asserted that Defendant's offense  
19 conduct warranted detention. Specifically, the United States argued that the

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1 offense conduct was serious because Defendant admitted to distributing controlled  
2 substances for his relative even following his relative's incarceration and that a  
3 9mm firearm with a scratched serial number was found in Defendant's bedroom.  
4 Now, just slightly over four months after the Court released Defendant from  
5 custody over the United States' objection, the United States does not oppose the  
6 Court lowering Defendant's restrictions from home detention to a curfew. These  
7 are not consistent positions.<sup>1</sup>

8 When the Court released Defendant from custody in October 2024, the  
9 Court imposed home detention because the Court agreed with the United States  
10 that Defendant's offense conduct was serious and created a risk of danger to the  
11 community. ECF No. 17. However, the Court found that home detention and  
12 other conditions could mitigate that risk, particularly considering Defendant's ties  
13 to the community. *Id.* Defendant has not presented the Court with any new  
14 information that changes the Court's prior analysis that the conditions imposed are  
15 necessary to mitigate Defendant's risk of nonappearance and danger to the  
16 community. The fact that a curfew would give Defendant more flexibility with his  
17 work schedule does not impact Defendant's risk of nonappearance or danger to the  
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19 <sup>1</sup> In the future, if the United States wishes to accede to such a motion, it must file a  
20 formal withdrawal of its original motion for detention and explain the basis therefore.

1 community. Given the lack of new information that changes the analysis, the  
2 seriousness of Defendant's alleged offense conduct, and the short period of time  
3 that Defendant has been on pretrial release, the Court declines to grant Defendant's  
4 request. Defendant may renew his request should he present the Court with new  
5 information that alters the detention analysis or successfully abide by his release  
6 conditions for at least one year.

**Accordingly, IT IS ORDERED:**

1. Defendant's Motion to Expedite (ECF No. 25) is **GRANTED**.
2. Defendant's Motion to Modify Conditions of Release (ECF No. 24) is **GRANTED**.

## IT IS SO ORDERED.

DATED March 6, 2025.



Alexander C. Ekstrom

ALEXANDER C. EKSTROM

UNITED STATES MAGISTRATE JUDGE

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